

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2842 Session of
1996

INTRODUCED BY DENT, JULY 1, 1996

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JULY 1, 1996

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,
2 as amended, "An act to empower cities of the second class A,
3 and third class, boroughs, incorporated towns, townships of
4 the first and second classes including those within a county
5 of the second class and counties of the second through eighth
6 classes, individually or jointly, to plan their development
7 and to govern the same by zoning, subdivision and land
8 development ordinances, planned residential development and
9 other ordinances, by official maps, by the reservation of
10 certain land for future public purpose and by the acquisition
11 of such land; to promote the conservation of energy through
12 the use of planning practices and to promote the effective
13 utilization of renewable energy sources; providing for the
14 establishment of planning commissions, planning departments,
15 planning committees and zoning hearing boards, authorizing
16 them to charge fees, make inspections and hold public
17 hearings; providing for mediation; providing for transferable
18 development rights; providing for appropriations, appeals to
19 courts and penalties for violations; and repealing acts and
20 parts of acts," further providing for enforcement notice.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Section 616.1 of the act of July 31, 1968
24 (P.L.805, No.247), known as the Pennsylvania Municipalities
25 Planning Code, reenacted and amended December 21, 1988
26 (P.L.1329, No.170), is amended by adding subsections to read:

1 Section 616.1. Enforcement Notice.--* * *

2 (d) In any appeal of an enforcement notice to the zoning
3 hearing board the municipality shall have the responsibility of
4 presenting its evidence first.

5 (e) Any fees paid by a party to appeal an enforcement notice
6 to the zoning hearing board shall be returned to the appealing
7 party by the municipality if the zoning hearing board, or any
8 court in a subsequent appeal, rules in the appealing party's
9 favor.

10 Section 2. This act shall take effect in 60 days.